GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APM&HS - Sri A.Pullaiah Naidu, former District Extension and Media Officer, O/o the District Media & Health Officer, Kurnool District (Now retired) - Misappropriation of an amount of Rs.32,500/- by making forgery signature of the District Medical & Health Officer, Kurnool – Imposed Punishment of "withholding of entire Pension and Gratuity" under the Andhra Pradesh Revised Pension Rules,1980 – WP No. 6345 of 2024 filed – APHC passed final orders – Examined the issue - Speaking orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (VC.II.1) DEPARTMENT

G.O.RT.No. 744 Dated: 09-12-2024

Read the following:-

1. From the DM&HO, Kurnool, Rc.No.Spl/DM&HO/2010, Dt.30.10.2010.
2. Charge Memo.Rc.No.5950/FW.E2.2010, dated 13-01-2011 of the Commissioner of H&FW., AP., Hyderabad.
3. Govt. Memo No.4063/VC.II.1/2013-1, HM&FW (VC.II.I) Dept., Dated:06.02.2014.
4. Govt.Memo.No.4063/VC.II.2/2013-02,Dated:23.08.2014.
5. Representation of Sri A.Pullaiah Naidu, DEMO(now Retired), dt.29.01.2015.
6. From the Prl.Secy, APPSC., Hyderabad, letter Rc.No.932/DC.&C/3/2015, dated:05.02.2016.
7. G.O.Ms.No.17, HM&FW (VC.II.I) Department, Dated 20.02.2016.
8. WP No. 6345 of 2024 filed by Sri A.Pullaiah Naidu, former District Extension and Media Officer, O/o the District Media & Health Officer, Kurnool District (Now retired).
9. Order, dated 07.08.2024 of the Hon'ble High Court of AP, in W.P.No.6345 of 2024.

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ORDER:-

Whereas, in the Charge Memo 2nd read above, the Commissioner of Health & Family Welfare, Andhra Pradesh, Hyderabad has framed Article of Charges against Sri A. Pullaiah Naidu, former District Extension and Media Officer, O/o the District Medical & Health Officer, Kurnool District (Retired) for the misappropriation of Government funds under PC&PNDT Act to a tune of Rs. 32,500/- by making forgery signature of the District Medical & Health Officer, Kurnool and utilized the funds for his personal purpose as per the charges framed by the District Medical & Health Officer, Kurnool vide reference 1st read above.

2. Whereas, the Government have appointed the Inquiry officer to conduct inquiry on the Article of Charges framed against him vide Govt. Memo 3rd read above.

3. Whereas, the Government upon examination of the inquiry report together with relevant material have considered that the two charges framed against the Charged Officer have been proved against him and therefore, came to a provisional decision to impose a penalty of withholding entire pension permanently besides gratuity on Sri A.Pullaiah Naidu, former District Extension and Media Officer, O/o the District Medical & Health Officer, Kurnool for the proved charge of misappropriation of PC & PNDT Act funds and accordingly issued Show Cause Notice to the Retired. Charged Officer in the Govt. Memo 4th read above calling for his explanation on the proposed penalty of withholding of entire pension and gratuity. A copy of the Enquiry Report was also furnished to the Charged Officer along with Show Cause Notice. The Charged Officer has submitted his explanation, in response to the Show Cause Notice, in the representation 5th read above.

4. Whereas, the Government, after careful examination of the explanation submitted by Sri A.Pullaiah Naidu, former District Extension and Media Officer(Retired), O/o the District Medical & Health Officer, Kurnool, have finally decided to impose a penalty of withholding of entire pension and gratuity on Sri A.Pullaiah Naidu, former District Extension and Media Officer(Retired), for the proved charge of misappropriation of PC&PNDT Act funds.

(p.t.o.)

5. Whereas, the Andhra Pradesh Public Service Commission, who were consulted in the matter, have conveyed concurrence in the letter 6th read above, agreeing with the above proposal of the Government.

6. Whereas, in the reference 7th read above, the Government have imposed a punishment of "withholding of entire Pension and Gratuity" on Sri A. Pullaiah Naidu, former District Extension and Media Officer, O/o the District Media & Health Officer, Kurnool District and now retired, under the Andhra Pradesh Revised Pension Rules, 1980, after duly following stipulated procedure as per APCS (CC&A) Rules 1991.

7. Aggrieved by the orders, Sri A. Pullaiah Naidu, former District Extension and Media Officer, O/o the District Media & Health Officer, Kurnool District (Now retired) filed WP No. 6345 of 2024 in the Hon'ble High Court praying to pay the pension and all pensionary benefits to him, by setting aside the G.O.Ms.No.17, HM&FW(VC.II.1)Dept., Dated 20.02.2016.

8. Whereas in the reference 9th read above, the Hon'ble High Court of AP has passed final order as follows:

> "Given the facts and circumstances of the case, the Writ Petition is allowed by setting aside the proceedings vide G.O.Ms.No.17 Health, Medical and Family Welfare (VC.II.1) Department, Dated.20.02.2016 issued by Government. The matter is remitted back to Government. Learned respondent No.1 i.e "the state of AP rep by its Prl. Secy., HM&FW Department" shall pass a speaking order duly considering the explanation submitted by the petitioner, strictly as per law within six (06) weeks from the date of receipt of a copy of the order. There shall be no order as to costs"

9. Whereas, the Charged Officer had submitted his explanation, in response to the Show Cause Notice, in the representation 5th read above, which is as detailed below:-

> "He has submitted that the proposal in the Show Cause Notice is very severe and hard adversely effecting his retired life and will have impact on the future of his dependent family members in having their livelihoods.
>
> He doesn't have any source of income except pension to feed his dependent family members. They are all depending on the pension and pensionary benefits that are to be released to him in view of his retirement some two years back i.e., 30-06-2013.
>
> He has rendered his entire service i.e., 34 years, 6 months of service satisfactorily to the higher authorities without any slight punishment and also no dues loss to the Government.
>
> After his death, his wife and children will be entirely depending on the family pension for which they are eligible.
>
> He is put to much mental stress and agony and suffering from financial crisis as he doesn't have any other source of income for their livelihoods except pension and pensionary benefits.
>
> He has got old age mother aged 85 years who is a chronic diabetic patient as well as suffering frequent disease of different type, for which he has to spend huge amounts towards the treatments frequently. The present proposal in the show cause notice is very harsh and very severe effecting very adverse financial difficulties throughout his remaining life.
>
> Under the circumstances and for the reasons explained above, he humbly requested to reconsider his case sympathetically and reduce the proposed penalty for which act of kindness, he shall remain ever grateful."

(Contd..)

10. In this regard, the Govt. have re-examined the entire matter in obedience to the Orders of Hon'ble High Court of Andhra Pradesh in the reference 9th read above and considered the explanation submitted by the petitioner. After careful examination of the entire issue, the Government hereby record that the Charged Officer had not submitted anything related to the charges and has not put any new grounds in the explanation.

11. Therefore, the Government, after examination of the explanation, decided to impose the punishment of withholding of entire pension and gratuity on Sri A. Pullaiah Naidu, former District Extension and Media Officer(Retired), O/o the District Medical & Health Officer, Kurnool, since he has not put any new grounds related to the charges.

12. Accordingly, in exercise of the powers conferred under Rule 9 of A.P. Revised Pension Rules, 1980, the Government hereby impose a penalty of withholding of entire Pension and Gratuity on Sri A. Pullaiah Naidu, former District Extension and Media Officer(Retired), O/o the District Medical & Health Officer, Kurnool in the matter.

13. The Commissioner of Health & Family Welfare, Andhra Pradesh, Mangalagiri shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANJULA D HOSMANI
SECRETARY TO GOVERNMENT

To
Dr. Sri A.Pullaiah Naidu (Retired)
(through the Commissioner of Health & Family Welfare, A.P, Mangalagiri).
The Commissioner of Health & Family Welfare, A.P, Mangalagiri.
The Accountant General, Andhra Pradesh, Vijayawada.
The District Treasury Officer, Kurnool.
PS to Secy. to Govt., HM&FW Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER